

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-19 and 26, drawn to a method for producing a three-dimensional object by microwave radiation.

Group II: Claims 20-23, drawn to an apparatus for producing a three-dimensional object by microwave radiation.

Group III, Claims 24 and 25, drawn to a product for producing a three-dimensional object by microwave radiation.

Applicants elect, with traverse, Group I, Claims 1-19 and 26, drawn to a method for producing a three-dimensional object by microwave radiation.

The Examiner has indicated that Groups I and II are related as process and apparatus. The apparatus as claimed can be used to practice another and materially different process wherein an inhibitor rather than a susceptor is applied to a negative image region of the layer and a microwave absorbent pulverulent substrate is used. Groups I and III, related as process of making and product, are distinct because the product as claimed can be made by a materially different process such as selective laser sintering. Finally, Groups II and III are distinct apparatus and product, because the product as claimed can be made by a materially different apparatus such as injection or cast mold.

Applicants respectfully traverse the restriction requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. With regard to Applicants' process and apparatus, it is not clear that applying an inhibitor rather than a susceptor would function in Applicants' apparatus to produce the desired three-dimensional object. The Examiner statement is conjecture on his part and has provided no documents to show that the apparatus would function for Applicants intended

purpose. For this reason the restriction between the process and apparatus is considered improper and should be withdrawn. The Examiner has also indicated that Groups I and III of the process of making and product are distinct because the product can be made by a materially different process such as selective laser sintering. Again, it is not indicated that microwave heating and selective laser sintering are equivalent processes or how Applicants' product could be made by such laser sintering. With respect to Groups II and III (apparatus and product made), it is unclear that Applicants' three-dimensional product could be made by a materially different apparatus such as injection or cast molding. Again, the Examiner has provided no guidance as to how to injection or cast mold pulverulent materials. For these reasons, the restriction is considered improper and should be withdrawn.

Moreover the MPEP in Section 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office, particularly since all three inventions involve the same subject matter: the production of three-dimensional objects by microwave radiation.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the restriction requirement.

Withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

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